

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

vs.

DERRIC ABRAMS,

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5:14-CR-00117-RCL-(4)

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

To the Honorable United States District Judge Royce C. Lamberth:

This Report and Recommendation concerns the Government's petition to revoke Defendant Derric Abrams' supervised released. *See* Dkt. No. 136. The District Court referred this matter for the purpose of preparing a report and recommendation on the alleged violation of supervised-release conditions. *See* Dkt. No. 137.

The Government's petition alleges that Abrams was charged with a new offense under state law committed while he was on supervised release in this case. A summons was issued directing him to appear in connection with the petition to revoke. Abrams appeared pursuant to the summons and was directed to appear at a revocation hearing on November 27, 2019. *See* Fed. R. Crim. P. 32.1; 18 U.S.C. § 3143(a)(1). The day before that revocation hearing, however, Abrams was charged federally under 18 U.S.C. §922(g)(1) in connection with the events giving rise to the new state law charges. *See United States of America v. Deric Jershawn Abrams*, No. 5:19-CR-22866-FB-1. Abrams reported for the revocation hearing. Given the new federal charges and the motion to detain filed by the Government in connection with them, Abrams was taken into federal custody at that time and set for a detention hearing on the new federal charges.

Moreover, Abrams' supervised release was subject to revocation at that time. *See* 18 U.S.C. §§ 3148, 3583(g). At his detention hearing on the new federal charges, Abrams was ordered detained and is presented in federal custody.

For these reasons, the undersigned **RECOMMENDS** that the Defendant's supervised release be **REVOKED** as of November 27, 2019. It is further recommended that the consequences for that revocation be assessed once the new federal charge is adjudicated in the case styled, *United States of America v. Deric Jershawn Abrams*, No. 5:19-CR-22866-FB-1.

Instructions for Service and Notice of Right to Object/Appeal

The United States District Clerk shall serve a copy of this report and recommendation on all parties by either (1) electronic transmittal to all parties represented by attorneys registered as a "filing user" with the clerk of court, or (2) by mailing a copy by certified mail, return receipt requested, to those not registered. Written objections to this report and recommendation must be filed **within fourteen (14) days** after being served with a copy of same, unless this time period is modified by the district court. 28 U.S.C. § 636(b)(1). The party shall file the objections with the clerk of the court, and serve the objections on all other parties. A party filing objections must specifically identify those findings, conclusions, or recommendations to which objections are being made and the basis for such objections; the district court need not consider frivolous, conclusive or general objections. A party's failure to file written objections to the proposed findings, conclusions, and recommendations contained in this report shall bar the party from a *de novo* determination by the district court. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Acuña v. Brown & Root, Inc.*, 200 F.3d 335, 340 (5th Cir. 2000). Additionally, failure to timely file written objections to the proposed findings, conclusions, and recommendations contained in this report and recommendation shall bar the aggrieved party, except upon grounds of plain error,

from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

IT IS SO ORDERED.

SIGNED this 19th day of December, 2019.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE